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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/734670 Confirmation No.: 6280  
Applicant : Richard S. Ginn  
Filing Date : 12/11/2003  
Title : NEEDLE APPARATUS FOR CLOSING SEPTAL DEFECTS AND METHODS FOR  
USING SUCH APPARATUS  
Group Art Unit : 3734  
Examiner : Michael G. Mendoza  
Docket No. : 15997.4002  
Customer No. : 34313

Commissioner for Patents  
Mail Stop Patent Application  
PO Box 1450  
Alexandria, VA 22313-1450

**THIRD INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449. In accordance with the USPTO waiver of the requirement under 37 CFR 1.98(a)(2)(i), only copies of foreign patent documents and non-patent literature are enclosed for the convenience of the Examiner.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

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CERTIFICATE OF MAILING  
37 CFR §1.8

I hereby certify, pursuant to 37 CFR §1.8, that I have reasonable basis to expect that that this paper or fee (along with any referred to as being attached or enclosed) would be mailed or transmitted on or before the date indicated with the United States Postal Service with sufficient postage as first class mail on the date shown below in an envelope addressed to the Commissioner for Patents, Mail Stop Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450

Dated: January 2, 2007

*Karen Johnson*

Karen Johnson

Applicant : Richard S. Ginn  
Appl. No. : 10/734670  
Examiner : Michael G. Mendoza  
Docket No. : 15997.4002

**INFORMATION DISCLOSURE STATEMENT FILING PROVISION:**

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☒ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

Applicant : Richard S. Ginn  
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**STATEMENT UNDER 37 CFR § 1.97(e):**

- ☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
- ☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.


**PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:**

- ☐ A check in the amount of \_\_\_\_\_ is enclosed for the above fee(s).
- ☐ Please charge \$\_\_\_\_\_ to Deposit Account No. **15-0665** for the above fee(s).
- ☒ The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Orrick, Herrington & Sutcliffe's Deposit Account No. **15-0665**.

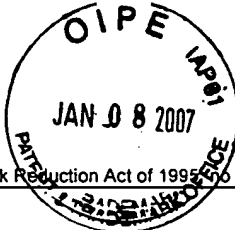
Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: January 2, 2007

By:   
Mark Stirrat  
Reg. No. 50,756

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STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Complete if Known

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Art Unit	3734
Examiner Name	Michael G. Mendoza
Attorney Docket Number	15997.4002

Sheet	1	of	15
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**U.S. PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number-Kind Code <sup>2</sup> (if known)		
	1	3,874,388	04-01-1975	King et al.
	2	3,875,648	04-08-1975	Bone
	3	4,007,743	02-15-1977	Blake
	4	4,576,162	03-18-1986	McCorkle
	5	4,601,718	07-22-1986	Possis et al.
	6	4,696,300	09-29-1987	Anderson
	7	4,702,250	10-27-1987	Ovil et al.
	8	4,721,115	01-26-1988	Owens
	9	4,741,336	05-03-1988	Failla et al.
	10	4,800,890	01-31-1989	Cramer
	11	4,802,478	02-07-1989	Powell
	12	4,836,204	06-06-1989	Landymore et al.
	13	4,850,960	07-25-1989	Grayzel
	14	4,878,893	11-07-1989	Chin
	15	4,892,098	01-09-1990	Sauer
	16	4,902,508	02-20-1990	Badylak et al.
	17	4,917,089	04-17-1990	Sideris
	18	4,929,246	05-29-1990	Sinofsky
	19	4,985,014	01-15-1991	Orejola
	20	4,994,069	02-19-1991	Ritchart et al.
	21	5,021,059	06-04-1991	Kensey et al.
	22	5,037,433	08-06-1991	Wilk et al.
	23	5,041,129	08-20-1991	Hayhurst et al.
	24	5,049,153	09-17-1991	Nakao et al.
	25	5,073,166	12-17-1991	Parks et al.
	26	5,112,310	05-12-1992	Grobe
	27	5,171,218	12-15-1992	Fonger et al.
	28	5,171,259	12-15-1992	Inoue
	29	5,190,528	03-02-1993	Fonger et al.
	30	5,190,050	03-02-1993	Nitzsche
	31	5,192,301	03-09-1993	Kamiya et al.
	32	5,222,974	06-29-1993	Kensey et al.

Examiner Signature	Date Considered
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PTO/SB/08a (08-03)

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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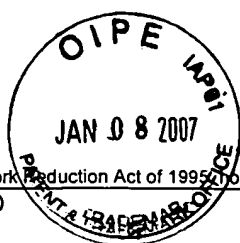
Sheet	2	of	15	Application Number	10/734670
				Filing Date	12/11/2003
				First Named Inventor	Richard S. Ginn
				Art Unit	3734
				Examiner Name	Michael G. Mendoza
				Attorney Docket Number	15997.4002

33	5,236,440	08-17-1993	Hlavacek
34	5,257,637	11-02-1993	El Gazayerli
35	5,282,827	02-01-1994	Kensey et al.
36	5,284,488	02-08-1994	Sideris
37	5,290,272	03-01-1994	Burstein et al.
38	5,290,278	03-01-1994	Anderson
39	5,300,065	04-05-1994	Anderson
40	5,304,184	04-19-1994	Hathaway et al.
41	5,304,185	04-19-1994	Taylor
42	5,312,341	05-17-1994	Turi
43	5,312,435	05-17-1994	Nash et al.
44	5,318,525	06-07-1994	West et al.
45	5,330,496	07-19-1994	Alferness
46	5,334,191	08-02-1994	Poppas et al.
47	5,357,979	10-25-1994	Imran
48	5,370,679	12-06-1994	Atlee, III
49	5,383,852	01-24-1995	Stevens-Wright
50	5,394,880	03-07-1995	Atlee, III
51	5,403,338	04-04-1995	Milo
52	5,409,469	04-25-1995	Schaerf
53	5,409,481	04-25-1995	Poppas et al.
54	5,413,584	05-09-1995	Schulze
55	5,417,699	05-23-1995	Klein et al.
56	5,417,713	05-23-1995	Cohen
57	5,421,338	06-06-1995	Crowley et al.
58	5,425,744	06-20-1995	Fagan et al.
59	5,431,696	07-11-1995	Atlee, III
60	5,433,727	07-18-1995	Sideris
61	5,441,504	08-15-1995	Pohndorf et al.
62	5,443,478	08-22-1995	Purdy
63	5,451,235	09-19-1995	Lock et al.
64	5,461,235	10-24-1995	Cottrell et al.
65	5,478,353	12-26-1995	Yoon
66	5,486,193	01-23-1996	Bourne et al.

Examiner Signature	Date Considered
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67	5,507,744	04-16-1996	Tay et al.
68	5,507,811	04-16-1996	Koike et al.
69	5,522,873	06-04-1996	Jackman et al.
70	5,527,388	06-18-1996	Berke et al.
71	5,545,138	08-13-1996	Fugoso et al.
72	5,548,872	08-27-1996	Oetiker
73	5,554,162	09-10-1996	DeLange
74	5,570,671	11-05-1996	Hickey
75	5,575,772	11-19-1996	Lennox
76	5,577,299	11-26-1996	Thompson et al.
77	5,578,045	11-26-1996	Das
78	5,582,616	12-10-1996	Bolduc et al.
79	5,584,803	12-17-1996	Stevens et al.
80	5,601,571	02-11-1997	Moss
81	5,618,311	04-08-1997	Gryskiewicz
82	5,620,461	04-15-1997	Muijs Van De Moer et al.
83	5,626,599	05-06-1997	Bourne et al.
84	5,634,936	06-03-1997	Linden et al.
85	5,649,950	07-22-1997	Bourne et al.
86	5,658,280	08-19-1997	Issa
87	5,662,643	09-02-1997	Kung et al.
88	5,682,906	11-04-1997	Sterman et al.
89	5,702,368	12-30-1997	Stevens et al.
90	5,709,224	01-20-1998	Behl et al.
91	5,702,421	12-30-1997	Schneidt
92	5,709,707	01-20-1998	Lock et al.
93	5,713,867	02-03-1998	Morris
94	5,713,911	02-03-1998	Racenet et al.
95	5,714,297	02-03-1998	Chamberlain et al.
96	5,716,367	02-10-1998	Koike et al.
97	5,720,754	02-24-1998	Middleman et al.
98	5,722,981	03-03-1998	Stevens
99	5,725,512	03-10-1998	Swartz et al.
100	5,725,552	03-10-1998	Kotula et al.

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				First Named Inventor	Richard S. Ginn
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				Examiner Name	Michael G. Mendoza
Sheet	4	of	15	Attorney Docket Number	15997.4002

	101	5,725,554	03-10-1998	Simon et al.
	102	5,728,151	03-17-1998	Garrison et al.
	103	5,733,294	03-31-1998	Forber et al.
	104	5,738,652	04-14-1998	Boyd et al.
	105	5,741,429	04-21-1998	Donadio, III et al.
	106	5,759,170	06-02-1998	Peters
	107	5,769,812	06-23-1998	Stevens et al.
	108	5,776,162	07-07-1998	Kleshinski
	109	5,782,860	07-21-1998	Epstein et al.
	110	5,792,094	08-11-1998	Stevens et al.
	111	5,797,960	08-25-1998	Stevens et al.
	112	5,807,339	09-15-1998	Bostrom et al.
	113	5,810,882	09-22-1998	Bolduc et al.
	114	5,810,884	09-22-1998	Kiim
	115	5,814,016	09-29-1998	Valley et al.
	116	5,814,068	09-29-1998	Koike et al.
	117	5,814,097	09-29-1998	Sterman et al.
	118	5,823,956	10-20-1998	Roth et al.
	119	5,827,216	10-27-1998	Igo et al.
	120	5,829,447	11-03-1998	Stevens et al.
	121	5,836,311	11-17-1998	Borst et al.
	122	5,853,422	12-29-1998	Huebsch et al.
	123	5,855,614	01-05-1999	Stevens et al.
	124	5,861,003	01-19-1999	Latson et al.
	125	5,865,791	02-02-1999	Whayne et al.
	126	5,868,702	02-09-1999	Stevens et al.
	127	5,868,733	02-09-1999	Ockuly et al.
	128	5,868,753	02-09-1999	Schatz
	129	5,879,499	03-09-1999	Corvi
	130	5,885,238	03-23-1999	Stevens et al.
	131	5,893,856	04-13-1999	Jacob et al.
	132	5,895,404	04-20-1999	Ruiz
	133	5,902,319	05-11-1999	Daley
	134	5,904,703	05-18-1999	Gilson

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			Art Unit	3734	
Examiner Name	Michael G. Mendoza				
Sheet	5	of	15	Attorney Docket Number	15997.4002

	135	5,910,150	06-08-1999	Saadat
	136	5,913,810	06-22-1999	Andre
	137	5,913,842	06-22-1999	Boyd et al.
	138	5,924,424	07-20-1999	Stevens et al.
	139	5,927,284	07-27-1999	Borst et al.
	140	5,928,181	07-27-1999	Coleman et al.
	141	5,928,250	07-27-1999	Koike et al.
	142	5,931,848	08-03-1999	Saadat
	143	5,947,997	09-07-1999	Pavcnik et al.
	144	5,955,110	09-21-1999	Patel et al.
	145	5,967,977	10-19-1999	Mullis et al.
	146	5,972,013	10-26-1999	Schmidt
	147	5,976,174	11-02-1999	Ruiz
	148	5,980,503	11-09-1999	Chin
	149	5,989,268	11-23-1999	Pugsley, Jr. et al.
	150	5,993,475	11-30-1999	Lin et al.
	151	6,010,517	01-04-2000	Baccaro
	152	6,013,052	01-11-2000	Durman et al.
	153	6,015,378	01-18-2000	Borst et al.
	154	6,024,756	02-15-2000	Huebsch et al.
	155	6,027,476	02-22-2000	Sterman et al.
	156	6,030,007	02-29-2000	Bassily et al.
	157	6,036,699	03-14-2000	Andreas et al.
	158	6,056,760	05-02-2000	Koike et al.
	159	6,071,271	06-06-2000	Baker et al.
	160	6,071,292	06-06-2000	Makower et al.
	161	6,079,414	06-27-2000	Roth
	162	6,090,084	07-18-2000	Hassett et al.
	163	6,090,096	07-18-2000	St. Goar et al.
	164	6,095,997	08-01-2000	French et al.
	165	6,110,145	08-29-2000	Macoviak
	166	6,113,609	09-05-2000	Adams
	167	6,113,611	09-05-2000	Allen et al.
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				Examiner Name	Michael G. Mendoza
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			Examiner Name	Michael G. Mendoza	
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				Examiner Name	Michael G. Mendoza
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**FOREIGN PATENT DOCUMENTS**

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Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document		T <sup>6</sup>
		Country <sup>3</sup>	Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
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	470	WO 2005/112779 A1	12-01-2005	NMT Medical, Inc.	
	471	WO 2006/036837 A2	04-06-2006	NMT Medical, Inc.	

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Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>

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